

Zoning Text Amendment No: 04-05
Concerning: Eating and drinking
establishment in C-O zone
Draft No. & Date: 1 – 3/16/04
Introduced: March 16, 2004
Public Hearing: April 27, 2004; 1:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Perez and Praisner

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing an eating and drinking establishment in the C-O zone to have an entrance directly from the exterior of a building.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-2 “SPECIAL EXCEPTIONS—STANDARDS AND
REQUIREMENTS”
Section 59-G-2.48 “Retail establishments in an office building”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-G-2 is amended as follows:**

2 **DIVISION 59-G-2. SPECIAL EXCEPTIONS-STANDARDS AND**
3 **REQUIREMENTS.**

4 * * *

5 **59-G-2.48. Retail establishments in an office building.**

6 Retail sales and personal service establishments in an office building may be
7 permitted subject to the following requirements:

- 8 (a) Only the following types of establishments shall be permitted subject to
9 the following requirements:

10 Barber and beauty shops.

11 Delicatessens.

12 Drug stores.

13 Dry cleaning and laundry pick-up stations.

14 Newsstands.

15 [Restaurants] eating and drinking establishment.

16 Specialty shops.

- 17 (b) The establishment [shall] must be primarily for the service of tenants and
18 employees of the building or group of buildings on the same lot or group
19 of contiguous lots in common ownership or control, and the tenants and
20 employees of adjoining and confronting lots.

- 21 (c) There must be no entrances directly from the exterior to the
22 establishments, except in the C-0 zone where an eating and drinking
23 establishment may have a direct entrance from the exterior of a building.

- 24 (d) The establishments shall be so located and constructed as to protect
25 tenants of the building from noise, traffic, odors, and interference with
26 privacy.

1 (e) In the C-P zone such establishments shall occupy not more than 5 percent
2 of the total floor area of the building or group of buildings.

3 (f) In the C-O zone the requirements of this section shall not be deemed to
4 limit the patronage of [a restaurant] an eating and drinking establishment
5 on weeknights, Saturdays and Sundays; provided [,] that: (1) there exists
6 sufficient off-street parking to accommodate the patrons of [such
7 restaurant] the eating and drinking establishment, and (2) [[that]] the
8 operation of [such restaurant] the eating and drinking establishment will
9 have no adverse effect upon the use and enjoyment of surrounding
10 properties. An eating and drinking establishment in the C-O zone may
11 have an entrance directly from the exterior of a building.
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13 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
14 date of Council adoption.
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16 This is a correct copy of Council action.
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21 Mary A. Edgar, CMC
22 Clerk of the Council